THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23553 OF 2005

Dt.2.11.2005

Between:

Toddy Tappers Co-operative Society, Chennur
Village, Gudur Rural Mandal, Nellore District,
rep. by its Member, Ravula Naga Bhushanam
… Petitioner

And

The District Collector (Election Authority),
Nellore District at Nellore and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

A single member of the Toddy Tappers Co-operative Society, Chennur Village, Gudur Rural Mandal, Nellore District, filed this writ petition on behalf of the Society.

I am of the opinion that this writ petition filed on behalf of the Society by its single member against the Society is not at all maintainable. This is not the writ petition filed in his individual capacity. But this writ petition is filed on behalf of the Toddy Tapers Co-operative Society, Chennur Village against the said Society representing by its President, the 3rd respondent herein.

It is stated that the District Collector, who is the Election Authority, vide proceedings in Rc.No.1159/A3 dated 9.10.2005 appointed the 2nd respondent herein as Election Officer to conduct elections to the 3rd respondent Society. Accordingly, the 2nd respondent vide his proceedings in Rc.No.1/2004-05 dated 27.10.2005 issued the election notification. In this regard, the provisional voters list dated 18.10.2005 has been published calling for objections to be filed before 23.10.2005 and final voters list has been published on 24.10.2005 wherein certain names of the members in the provisional list have been deleted and certain names have been included.

Having regard to the facts and circumstances of the case, I am of the opinion that a single member of the Society cannot file writ petition on behalf of the Society. If there is any grievance by any of the member whose names have been deleted, the petitioner cannot file this writ petition without impleading them. However, I am of the opinion that in view of the disputed questions of fact this Court cannot declare the election notification as illegal preventing the conduct of elections as per schedule.

The writ petition is accordingly dismissed. No costs.

_____

(V.ESWARAIAH, J.)

2.11.2005

kpr